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Smart Indicted for Trying To Have Witness Killed



File Photo

PAMELA SMART is charged with attempting to have someone kill Cecelia Pierce, the state's 16-year-old star witness in Smart's murder trial.

By PAT GROSSMITH
Union Leader Staff

Pamela Smart, charged with helping three teenagers murder her husband, was indicted yesterday for allegedly asking a fellow prison inmate to have someone kill Cecelia Pierce, the state's 16-year-old star witness.

A Hillsborough County Superior Court grand jury also indicted Smart, 23, on one count of witness tampering and a charge of criminal solicitation involving witness tampering.

Smart's trial for her alleged role in the death of her husband is set for Feb. 4.

Pierce's mother, Cecelia Eaton, said her daughter was aware of the alleged threat.

Asked if her daughter was worried, Eaton said, "If you knew something like that might happen, you're bound to be petrified. Cecelia is worried."

One of Smart's attorneys, Paul Twomey, called the latest charges "trash."

Twomey said he and partner Mark Sisti have known about the allegations since last summer. He said he is upset about the timing of the indictments and their release to the press, which he said was unauthorized.

"One has to question the timing, coming so close to the trial. It makes it very tough on us as far as jury selection."

One indictment alleges that between Aug. 1 and Sept. 15 Smart committed the crime of criminal solicitation in that "with a purpose that Marianne Moses engage in conduct constituting the crime of murder. she (Smart)

Marianne Moses to cause the death of Cecelia Pierce ..."

Marianne Moses, 38, of Newmarket, is in the Women's State Prison, according to a corrections spokesman. On July 15 in Rockingham County Superior Court, Moses was given concurrent 2-to-4-year sentences after she pleaded guilty to four counts of welfare fraud involving \$44,810.

Smart is charged with conspiracy to commit murder, being an accomplice to first-degree murder, and witness tampering in connection with the May 1 shooting of her husband, Gregory, in Derry.

Prosecutors allege Smart plotted with three Seabrook teenagers to kill her husband. The Union Leader has identified

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the youths as William Flynn, Vance Lattime and Patrick Randall. The state is attempting to have the three certified as adults.

Pierce worked as an intern with Smart, who was media services director at Winnacunnet High School in Hampton. On July 13, in cooperation with authorities, Pierce wore a concealed microphone and recorded a conversation with Smart.

Smart, according to prosecutors, told Pierce in that conversation that the teenager would be better off lying to police about what she knew about the killing. Pierce had a close relationship with Smart and Smart reportedly had confided in her.

Pierce's mother, asked if any steps had been taken to safeguard her daughter Cecelia or other 11-year-old daughter, said: "We're keeping a strict eye on them. They've changed their routines. They are not allowed to go to certain places. There's quite a few things we've had to change."

Asked if concerned for safety of younger daughter, Eaton said, "I am. She spends a lot of time with Cecelia. What's going to stop someone who wants to hurt Cecelia from hurting the other child if she's there?"

In the indictment charging Smart with witness tampering, the state alleges that between Aug. 1 and Sept. 15 that "believing that an official proceeding was about to be instituted or that an investigation into the murder of her husband, Gregory Smart, was pending, Pamela Smart purposely attempted to induce or cause George Moses to testify or inform falsely by requesting that he say that he heard Cecelia Pierce say that she lied about Pamela Smart's involvement in the murder of her husband."

Maggiotto, the lead prosecutor in the case, refused to reveal the relationship, if any, between George and Marianne Moses. Maggiotto said the "state is not going to subject a witness to any unnecessary publicity."

The third charge of criminal solicitation alleges that between Aug. 1 and Sept. 15, Smart "solicited or requested Marianne Moses to attempt to induce or otherwise cause Cecelia Pierce to withhold testimony and/or elude legal process summoning her to provide evidence ..."

The three latest indictments against Smart were issued through Hillsborough County because the alleged acts took place while Smart was being held in the Women's State Prison in Goffstown.

Marianne Moses, according to records on file in Rockingham County Superior Court, is married to a Joseph Moses.

Eaton said she had not heard of the name "George Moses" who had reportedly tried to get Pierce not to testify or to change her testimony.

Asked if her daughter knew him, Eaton said, "My daughter

The Smart Case / At A Glance

Here is chronology of the events surrounding the murder of Gregory Smart.

MAY 1, 1990 — Gregory Smart, 24-year-old insurance salesman, shot to death with a .38 caliber handgun in the foyer of his 4E Misty Morning Drive condominium in Derry. His wife, Pamela, finds his body when she returns from a meeting.

MAY 10, 1990 — Widow Pamela Smart, 22, former honor student and cheerleader at Pinkerton Academy, talks about missing her husband, but vows to go on with her life.

JUNE 11, 1990 — Derry Police arrest three Seabrook juveniles. State hopes to have them tried as adults. Charges would be first-degree murder of Gregory Smart, and accomplice to the first-degree murder of Smart. Youths are held at juvenile detention facility awaiting hearings.

JUNE 15, 1990 — The Union Leader identifies the youths as William Flynn, Vance Lattime and Patrick Randall. All three attend Winnacunnet High School and were known to Pamela Smart in her capacity as media services director in the supervisory district which includes Winnacunnet.

JULY 13, 1990 — Cecelia Pierce, 16-year-old student, at the request of state authorities, wears a microphone during a conversation with Pamela Smart about Gregory Smart's death.

AUG. 1, 1990 — Pamela Smart is arrested at work in Hampton and arraigned in Derry District Court. She is charged with accomplice to the first-degree murder of her husband and is held without bail in the state women's prison in Goffstown.

AUG. 14, 1990 — Pamela Smart is indicted by a Rockingham County grand jury on charges of accomplice to first-degree murder, conspiracy to commit murder and witness tampering.

AUG. 13, 1990 — Rockingham Superior Court Judge Douglas Gray denies request from Pamela Smart's attorneys that she be released on bail.

SEPT. 7, 1990 — Derry District Court judge certifies that "William F." should be tried as an adult. Final decision rests with Rockingham Superior Court judge.

NOV. 9, 1990 — State asks Rockingham Superior Court to certify "Vance L." as an adult.

DEC. 28, 1990 — Mark Sisti and Paul Twomey, lawyers for Pamela Smart, ask Rockingham Superior Court judge for change of venue for her trial because of extensive pre-trial publicity.

JAN. 4, 1991 — Pamela Smart indicted by Hillsborough County Grand Jury on charges of criminal solicitation of murder, witness tampering and criminal solicitation involving witness tampering.

JAN. 4, 1991 — Rockingham County Superior Court judge accepts certification of William Flynn to be tried as an adult.

FEB. 4, 1991 — Pamela Smart scheduled to go on trial in Rockingham Superior Court on charges of accomplice to first-degree murder, conspiracy to commit murder and witness tampering.

has heard of him."

Randall Zito, vice principal at Winnacunnet, said last night that George Moses was a student last year but is no longer enrolled at the school. Zito believes Moses moved out of the district.

Maggiotto would not comment about the new charges. "The indictments speak for themselves," he said.

Twomey criticized the state's decision to seek the indictments. "The charges themselves are absolute trash. They are based on the state going to the prison and offering someone the keys to everything to make up things and testify against the defendant. They used the same technique in the (George) Gurney case and it didn't work. It is regrettable that the state chooses to do this ... and so often," Twomey said.

Twomey said he may file a motion to dismiss the charges based on what he said was a decision by an unnamed police officer to release the court-sealed indictments to the press.

"I am surprised an agent of the court of New Hampshire chose to violate the sealing order and release them to the press," he said.

Sisti and Twomey have already filed a motion seeking to move the trial out of Rockingham County, and Twomey said they may not ask for dismissal of the new charges if the change of venue is granted. "If we still can have a speedy trial, we probably won't do anything," he said.

On Tuesday in Rockingham County Superior Court, Sisti Twomey had argued they should be allowed to take a pretrial deposition from Pierce.

In his argument, Maggiotto said a new law prohibits the taking of a deposition from those aged 16 and under.

Maggiotto said Smart's presence during Pierce's deposition would "harass and intimidate" the witness.

The court has yet to issue an order concerning the hearing.

Gregory Smart's father, William, said he would not discuss the case at the request of the Attorney General's Office. He cited extensive pre-trial publicity and efforts by the defense to change the location of the trial because of that publicity.

Pamela's parents, John and Linda Wojas, of Windham, could not be reached for comment. (Correspondent Jerry Miller contributed to this report)